

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|                            |   |                          |
|----------------------------|---|--------------------------|
| NATCITY INVESTMENTS, INC., | ) |                          |
|                            | ) |                          |
| Plaintiff,                 | ) |                          |
|                            | ) |                          |
| v.                         | ) | Civil Action No. 08-0639 |
|                            | ) |                          |
| MARK A. KOVACS,            | ) |                          |
|                            | ) |                          |
| Defendant.                 | ) |                          |

ORDER

AND NOW, this 14<sup>th</sup> day of May, 2008, upon consideration of Plaintiff's Motion for Temporary Restraining Order [Doc. No. 3], and Defendant's opposition thereto, it is hereby ORDERED, ADJUDGED and DECREED that said motion is GRANTED.

IT IS FURTHER ORDERED that:

1. Mark A. Kovacs ("Kovacs"), directly or indirectly, and whether alone or in concert with others, including any officer, agent, employee and/or representative of BPU Investment Management, Inc. ("BPU"), is ENJOINED from using, disclosing, or transmitting for any purpose the confidential information and trade secrets of NatCity, including but not limited to customer lists, the identity of customer agents and account managers, business methods and strategies, profitability considerations, marketing strategies, costs, margins and customer-specific pricing, proprietary methodologies, trust dispositions and dates

2. Kovacs, and all persons acting in concert with him or on his behalf, are ENJOINED from soliciting, servicing, or doing business with any customer of NatCity for a period of one (1) year from the date of this Court's Order.
3. Kovacs, and anyone acting in concert or participation with him, including any agent, employee, officer or representative of BPU, shall return to NatCity any and all property of NatCity that is in Kovacs' possession, including the confidential information and trade secrets set forth above, whether in original, copied, computerized, handwritten, or any other reproduced form.
4. Plaintiff shall forthwith post a bond with the Clerk of Court in the amount of \$1,000.00.

BY THE COURT:

G. H. Cantor, J.

cc: All Counsel of Record